file 16.7



January 29, 1990

Reply To Attn Of: HW-112

Kenneth J. Cusack Gaitan & Cusack 49th Floor, Columbia Center Seattle, Washington 98104

RE: Freedom of Information Act Request No. 10-RIN-1354-89 Freedom of Information Act Request No. HQ-RIN-8466-89

Dear Mr. Cusack:

This is in response to your Freedom of Information Act (FOIA) letters regarding the MAPCO Alaska Petroleum, Inc. North Pole Refinery site. I have enclosed copies of the documents and slides you selected for duplication during your January 8, 1990 review of our MAPCO files.

We were unable to provide you with a portion of the file documents which have been claimed confidential and may contain trade secrets or commercial or financial information which is exempt from mandatory disclosure by virtue of 5 USC 552(b)(4). Pursuant to 40 CFR 2.204(d)(1), your request for these documents is being initially denied because further inquiry by EPA is required before a final determination can be made. We will consult with the third party in connection with their business confidentiality claim(s) covering these records and the EPA Office of Regional Counsel (ORC) will issue a final confidentiality determination. An itemized list of the withheld material is provided on the enclosure to this letter (Attachment A).

You may appeal this partial denial by submitting a written appeal to the Freedom of Information Officer (A-101), 401 M Street SW, Washington, D.C. 20460 within thirty (30) days of receipt of this partial denial. Your appeal should refer to the RIN number listed above, the date of the determination, and my name, title, and address.

The cost of responding to this FOIA request is \$397.03 (\$346.50 for 2310 pages duplicated at \$.15 per page, \$30.53 for slide duplication fees, and \$20.00 for search time). The bill for the reproduction and search time costs is enclosed. Your fee payment should be in the form of a check or money order payable to the U.S. Environmental Protection Agency (EPA) and should be sent to EPA, Region 10, Post Office Box 360903M, Pittsburgh, Pennsylvania 15251.



This concludes the EPA Region 10 interim response to FOIA request numbers 10-RIN-1354-89 and HQ-RIN-8466-89.

Sincerely,

Robie G. Russell

Regional Administrator

Enclosures